

MET-7

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CONTRAST-ENHANCED DIAGNOSTIC IMAGING METHOD FOR MONITORING  
INTERVENTIONAL THERAPIES**

the specification of which (check one)

☒ [X] is attached hereto

☐ [ ] was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing

EM 390216125 US

date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority  
Claimed

_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)

As a named inventor, I hereby appoint the following attorneys or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

James F. Haley, Jr. - Reg. No. 27,794  
Pablo D. Hendler - Reg. No. 40,015

Send correspondence to:

James F. Haley, Jr.  
FISH & NEAVE  
1251 Avenue of the Americas  
New York, NY 10020-1104

Direct telephone calls to:

James F. Haley, Jr.  
(212) 596-9000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor Randall B. Lauffer

First Inventor's signature \_\_\_\_\_

\_\_\_\_\_  
Date

Residence Brookline, Massachusetts

Citizenship United States

Post Office Address 23 Sumner Road, Brookline, MA 02146

Full name of second joint inventor Stephen O. Dunham

Second Inventor's signature 

9/27/97  
Date

Residence Madison, New Jersey

Citizenship United States

Post Office Address 34 K Loantaka Way, Madison, NJ 07940

005050" 50728800



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Prior Foreign Application(s)

Priority  
Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Full name of first joint inventor Randall B. Lauffer

First Inventor's signature 

7/29/97  
Date

Residence Brookline, Massachusetts

Citizenship United States

Post Office Address 23 Sumner Road, Brookline, MA 02146

Full name of second joint inventor Stephen O. Dunham

Second Inventor's signature \_\_\_\_\_

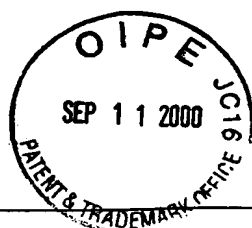
\_\_\_\_\_  
Date

Residence Madison, New Jersey

Citizenship United States

Post Office Address 34 K Loantaka Way, Madison, NJ 07940

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Applicant or Patentee: Lauffer et al.

Serial or Patent No.: 08/942,989

Filed or Issued: October 2, 1997

Attorney's

Docket No.: Met-7

For: CONTRAST-ENHANCED DIAGNOSTIC IMAGING METHOD  
FOR MONITORING INTERVENTIONAL THERAPIES

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ The owner of the small business concern identified below:  
☒ An official of the small business concern empowered to act on behalf  
of the concern identified below:

NAME OF CONCERN: EPIX Medical, Inc.

ADDRESS OF CONCERN: 71 Rogers Street

Cambridge, Massachusetts 02142-1118

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled CONTRAST-ENHANCED DIAGNOSTIC IMAGING METHOD FOR MONITORING INTERVENTIONAL THERAPIES by inventor(s) RANDALL B. LAUFFER and STEPHEN O. DUNHAM described in:

- ☐ The specification filed herewith.  
☒ Application Serial No. 08/942,989, filed 10/02/97.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

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If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Randall B. Lauffer

TITLE OF PERSON OTHER THAN OWNER Chairman and Chief Scientific Officer

ADDRESS OF PERSON SIGNING 23 Sumner Road, #2  
Brookline, Massachusetts 02146

SIGNATURE  DATE 12-5-97

\* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)